

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2597

Introduced by Assembly Member Fuentes

February 24, 2012

An act to amend Section 18420 798.15 of the ~~Health and Safety~~ Civil Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 2597, as amended, Fuentes. Mobilehome ~~Parks Act: notice of violations; parks: lot lines.~~

Existing law, the Mobilehome Parks Act, prohibits a mobilehome park owner or operator from creating, moving, shifting, or altering park lot lines without the written authorization of the registered owner or owners of the mobilehome or manufactured home located on the lot or lots on which the change to the lot line is being made. Existing law, the Mobilehome Residency Law, governs the terms and conditions of residency in mobilehome parks and requires the management of a mobilehome park to include in the rental agreement prescribed information, including the term of, and amount of rent for, the tenancy.

The bill would require the management of a mobilehome park, on and after January 1, 2014, to include in the rental agreement a description of the size and location of the lot that is being leased and a copy of the map of the park lot lines indicating the leased space.

~~Existing law establishes the Mobilehome Parks Act to assure the protection of the health, safety, and general welfare of all mobilehome park residents. Existing law requires the enforcement agency to enter and inspect mobilehome parks with a goal of inspecting at least 5% of~~

~~the parks per year. Existing law requires the enforcement agency to issue a notice to correct any violation of the act.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 798.15 of the Civil Code is amended to
2 read:

3 798.15. The rental agreement shall be in writing and shall
4 contain, in addition to the provisions otherwise required by law to
5 be included, all of the following:

6 (a) The term of the tenancy and the rent therefor.

7 (b) The rules and regulations of the park.

8 (c) A copy of the text of this chapter shall be attached as an
9 exhibit and shall be incorporated into the rental agreement by
10 reference. Management shall do one of the following prior to
11 February 1 of each year, if a significant change was made in this
12 chapter by legislation enacted in the prior year:

13 (1) Provide all homeowners with a copy of this chapter.

14 (2) Provide written notice to all homeowners that there has been
15 a change to this chapter and that they may obtain one copy of this
16 chapter from management at no charge. Management must provide
17 a copy within a reasonable time, not to exceed seven days upon
18 request.

19 (d) A provision specifying that (1) it is the responsibility of the
20 management to provide and maintain physical improvements in
21 the common facilities in good working order and condition and
22 (2) with respect to a sudden or unforeseeable breakdown or
23 deterioration of these improvements, the management shall have
24 a reasonable period of time to repair the sudden or unforeseeable
25 breakdown or deterioration and bring the improvements into good
26 working order and condition after management knows or should
27 have known of the breakdown or deterioration. For purposes of
28 this subdivision, a reasonable period of time to repair a sudden or
29 unforeseeable breakdown or deterioration shall be as soon as
30 possible in situations affecting a health or safety condition, and

1 shall not exceed 30 days in any other case except where exigent
2 circumstances justify a delay.

3 (e) A description of the physical improvements to be provided
4 the homeowner during his or her tenancy.

5 (f) A provision listing those services which will be provided at
6 the time the rental agreement is executed and will continue to be
7 offered for the term of tenancy and the fees, if any, to be charged
8 for those services.

9 (g) A provision stating that management may charge a
10 reasonable fee for services relating to the maintenance of the land
11 and premises upon which a mobilehome is situated in the event
12 the homeowner fails to maintain the land or premises in accordance
13 with the rules and regulations of the park after written notification
14 to the homeowner and the failure of the homeowner to comply
15 within 14 days. The written notice shall state the specific condition
16 to be corrected and an estimate of the charges to be imposed by
17 management if the services are performed by management or its
18 agent.

19 (h) All other provisions governing the tenancy.

20 (i) *On and after January 1, 2014, a description of the size and*
21 *location of the lot being leased and a copy of the map of the park*
22 *lot lines indicating the leased space.*

23 ~~SECTION 1. Section 18420 of the Health and Safety Code is~~
24 ~~amended to read:~~

25 ~~18420. (a) (1) If, upon inspection, the enforcement agency~~
26 ~~determines that a mobilehome park is in violation of this part, or~~
27 ~~a rule or regulation adopted pursuant thereto, the enforcement~~
28 ~~agency shall promptly, but not later than 10 days, excluding~~
29 ~~Saturday, Sunday, and holidays, after the enforcement agency~~
30 ~~completes the inspection and determines that the alleged violation~~
31 ~~exists, issue a notice to correct the violation to the owner or~~
32 ~~operator of the mobilehome park and to the responsible person, as~~
33 ~~defined in Section 18603.~~

34 ~~(2) If a violation constitutes an imminent threat to health and~~
35 ~~safety, the notice of violation shall be issued immediately and~~
36 ~~served on the owner or operator of the mobilehome park and to~~
37 ~~the responsible person, as defined in Section 18603.~~

38 ~~(3) The owner or operator of the mobilehome park shall be~~
39 ~~responsible for the correction of any violation for which a notice~~
40 ~~of violation has been given pursuant to this subdivision.~~

~~(b) (1) If, upon inspection, the enforcement agency determines that a manufactured home, mobilehome, an accessory building or structure, or lot is in violation of Chapter 4 (commencing with Section 18500), Chapter 5 (commencing with Section 18601), Chapter 6 (commencing with Section 18690), or a rule or regulation adopted pursuant thereto, the enforcement agency shall promptly, but not later than 10 days, excluding Saturday, Sunday, and holidays, after the enforcement agency completes the inspection and determines that the alleged violation exists, issue a notice to correct the violation to the registered owner of the manufactured home or mobilehome, with a copy to the occupant thereof, if different from the registered owner.~~

~~(2) If a violation is discovered that constitutes an imminent hazard representing an immediate risk to life, health, and safety and requiring immediate correction, the notice of violation shall be issued immediately and served upon the occupant, with a copy mailed to the registered owner of the manufactured home or mobilehome, if different from the occupant, to the owner or operator of the mobilehome park, and to the responsible person, as defined in Section 18603.~~

~~(3) The registered owner of the manufactured home or mobilehome shall be responsible for the correction of any violations for which a notice of violation has been given pursuant to this subdivision.~~

~~(4) The enforcement agency may issue a notice of violation pursuant to this chapter to the owner of a recreational vehicle, or of factory-built housing, which occupies a lot within a mobilehome park.~~

~~(e) (1) Service of the notice of violation shall be effected either personally or by first-class mail. A notice of violation shall be in writing and shall describe with particularity the nature of the violation in as clear language as the technicality of the violation will allow the average layperson to understand what is being cited, including a reference to the statutory provisions or regulation alleged to have been violated, as well as any penalty provided by law for failure to make timely correction.~~

~~(2) The department shall develop a list of local agencies that have home rehabilitation or repair programs for which registered owners or occupants of manufactured homes and mobilehomes residing in mobilehome parks may be eligible. The list shall be~~

1 provided to registered owners or occupants who receive notices
2 of violation and who reside in those jurisdictions that have
3 rehabilitation or repair programs for which they may be eligible.

4 (3) For violations other than imminent threats to health and
5 safety as provided in paragraph (2) of subdivision (a) and paragraph
6 (2) of subdivision (b), the notice of violation shall allow 60 days
7 from the postmarked date of the notice or date of personal delivery
8 for the elimination of the condition constituting the alleged
9 violation.

10 (4) If after the reinspection of a violation described in paragraph
11 (3) of this subdivision, the enforcement agency determines that
12 there is a valid reason why a violation has not been corrected,
13 including, but not limited to, weather conditions, illness,
14 availability of repair persons, or availability of financial resources;
15 the enforcement agency may extend the time for correction, at its
16 discretion, for 30 days or an additional reasonable period of time
17 after the 60-day period.

18 (5) Upon a reinspection after the 60-day period of a violation
19 described in paragraph (3) of this subdivision, if a second notice
20 to correct a violation that is the responsibility of the registered
21 owner of the manufactured home or mobilehome pursuant to
22 paragraph (1) of subdivision (b) is issued to the registered owner
23 of a manufactured home or mobilehome, with a copy to the
24 occupant thereof, if different from the registered owner, a copy of
25 the notice shall also be provided to the owner or operator of the
26 mobilehome park, and to the responsible person, as defined in
27 Section 18603. Upon a reinspection after the 60-day period of a
28 violation described in paragraph (3) of this subdivision, if a second
29 notice to correct a mobilehome park violation pursuant to paragraph
30 (1) of subdivision (a) is issued to the owner or operator of the
31 mobilehome park and to the responsible person, as defined in
32 Section 18603, the enforcement agency shall post a copy of the
33 violation in a conspicuous place in the mobilehome park common
34 area, and the posted notice shall only be removed by the
35 enforcement agency when the violation is corrected.

36 (6) All violations described in paragraph (2) of subdivision (a)
37 and paragraph (2) of subdivision (b) shall be corrected within a
38 reasonable time as determined by the enforcement agency. Notices
39 of those violations shall state the time determined by the
40 enforcement agency within which corrections must be made.

1 ~~(d) Notwithstanding any other law, the enforcement agency~~
2 ~~may, at its sole discretion, determine not to issue a notice of~~
3 ~~violation pursuant to this chapter if the condition that violates this~~
4 ~~part or the regulations adopted pursuant thereto does not constitute~~
5 ~~an imminent hazard representing an immediate risk to life, health,~~
6 ~~and safety and requiring immediate correction. If the enforcement~~
7 ~~agency determines, pursuant to this subdivision, not to issue a~~
8 ~~notice of violation, the enforcement agency shall include in its~~
9 ~~inspection report a description of the condition that violates this~~
10 ~~part and its determination not to issue a notice of violation.~~